

REMARKS

Claims 1, 13, 23 and 35 are amended. Claims 1-70 are in the application for consideration.

Independent claim 1 stands rejected as being anticipated by U.S. Patent No. 6,177,695 to Jeng. Claim 1 has been amended to emphasize the act of removing, from the bit node contact opening, sacrificial plugging material which is received between and at some common elevation with conductive portions of the pair of word lines at issue. Reconsideration of the Examiner's rejection at least in light thereof is respectfully requested.

The Examiner relies upon MPEP Section 2125 in discounting the drawing feature shown by Jeng in Fig. 2d, alleging that arguments based upon "measurements of the drawing features" are of negligible value, particularly where the references does not disclose that the drawings are to scale. Further in support thereof, the Examiner relies upon the far-right illustrated contact opening in Fig. 2d wherein insulative material 53 is indeed received between and at some common elevation with conductive portions of the immediately left-adjacent word line. However, the Examiner will note that such contact opening immediately adjacent such word line has only a single wordline sidewall spacer therein. Accordingly, such is therefore shown to be wider at its base as compared to the bit node contact opening received between the pair of word lines wherein such is pinched off by two opposing spacers and thereby narrower at its base. It is commonly known within the semiconductor art that narrower contact openings can tend to result in less conformal deposition of layers

therein, and Jeng essentially discloses such in Fig. 2d in connection with its layer 51 deposition with respect to the two different dimensioned/profiled contact openings which are depicted. Such is a known qualitative relationship with certain contact openings, the undersigned is not relying upon measurement of specific dimensions within Jeng, and Applicant's position is consistent with conformal depositions in certain wider and narrower contact openings.

For the Examiner's position with respect to Fig. 2 to have merit, one has to ignore what Jeng inherently shows in its Fig. 2d drawing with respect to materials 51 and 52 at the bases of the respective contact openings. The three left illustrated contact openings in Fig. 2d show a common opening size/profile and common deposition pattern therein, and the far right illustrated contact opening shows a different opening size/profile and different deposition therein which a person of skill in the art would recognize as due to a single spacer being received with the contact opening as opposed to two opposing spacers. Accordingly, Jeng clearly does not teach removing, from the bit node contact opening, sacrificial plugging material which is received between and at some common elevation with conductive portions of the pair of word lines at issue. Accordingly, Applicant's claim 1 as presented is not anticipated by Jeng, and the rejection thereof should be withdrawn. Action to that end is requested.

Applicant's independent claims 13, 23, and 35 also stand rejected as being anticipated by U.S. Patent No. 6,177,695 to Jeng. Yet in the text pertaining to rejections over Jeng, the Examiner only refers to language of claim 13 and in so doing only identically repeats the rejection made in the Office

Action of March 16, 2004. Further, Applicant in its last-filed response presented arguments regarding why the rejections of independent claims 13, 23 and 35 were in error. Yet, there is no reference to Applicant's previously submitted arguments in the Examiner's "Response to Arguments" in the last action. Accordingly, the undersigned is left guessing as to the Examiner's positions as to why or how the previously submitted arguments do not overcome the previous and continuing rejections with respect to claims 13, 23 and 35.

Each of claims 13, 23 and 35 is amended to clarify that the variously recited "commonly forming" acts are with respect to at least the numbered plurality recited in each affected subparagraph within such claims. Such amendments are not seen to change in any way change the scope of the previously submitted claims, and were inherent in such claims as originally presented. Accordingly, such amendments do not go to the patentability of such claims, and only present previously submitted subject matter.

The Examiner is reminded that if Applicant can point to any one feature in each of independent claims 13, 23 and 35 which is not disclosed by Jeng, the respective rejections must be withdrawn.

With respect to independent claim ~~38~~¹³, such recites that after forming the bit line, sacrificial plugging material is removed from the capacitor node contact opening. Such does not occur in Jeng. Specifically, sacrificial plugging material 61 is the only material ever removed from the capacitor node contact openings, and such is shown as being removed in Fig. 2f before (not "after" as claimed) a bit line in Fig. 2k is ever formed. Accordingly, Applicant's

independent claim 13 recites something which is not shown by Jeng, and the anticipation rejection thereof should be withdrawn. Action to that end is requested.

With respect to claim 23, such recites commonly forming the three listed contact openings. In no way does Jeng disclose or suggest such "commonly forming" of a first peripheral contact opening and a second peripheral contact opening with a bit node contact opening, as "commonly forming" has been defined by Applicant in paragraph 25 of its specification as-filed. Specifically, the contact openings of Fig. 2k within which its conductive material 111 is formed in (within material 41) do not even come into existence until after Fig. 2j, and as well are formed through another insulative material received over insulative material 41 that doesn't even exist until after Fig. 2j. For at least this reason, independent claim 23 is not anticipated by Jeng, and the rejection thereof should be withdrawn. Action to that end is requested.

Regarding independent claim 35, such should be allowed for the same essential reasons argued above with respect to the allowability of independent claim 23, and further as also reciting in the "commonly forming", the formation of a capacitor node contact opening. Jeng does not disclose such. Accordingly, claim 35 is not anticipated by Jeng and should be allowed. Action to that end is requested.

Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

This application is believed to be in immediate condition for allowance.

Respectfully submitted,

Dated: 10-4-04

By. 

Mark S. Matkin
Reg. No. 32,268